

**LAW OFFICE OF DAVID A. ZELMAN**

612 Eastern Parkway  
Brooklyn, New York 11225  
(718) 604-3072  
Fax (718) 604-3072

Via Fax: 212 805-7942  
Hon. Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Def 't's understanding  
is correct.  
9.8.08  
Alvin K. Hellerstein

September 8, 2008

Re: Jose Medina v. The City of New York, et al.

**07CV6215**

Honorable Alvin K. Hellerstein:

I submit this letter to request a clarification of your Honor's August 13, 2008 Order. In that Order, your Honor wrote: "Defendant's at this point is entitled to discovery for 5 year prior to suit, and including to the records relating to Plaintiff's 2001 injury and recovery."

In compliance with that Order, the plaintiff today is providing defense counsel with authorizations for two medical facilities which treated the plaintiff following his 2001 accident. Defense counsel was previously provided authorizations for medical records relating to the injuries sustained on the date of his arrest which is the subject of this litigation. The clarification requested is whether the Court intended to encompass plaintiff's worker's compensation file stemming from the 2001 injury as well as employment records and medical records. I have discussed this matter with defense counsel today and defense counsel is of the opinion that the Court intended to include the worker's compensation matter within the Court's August 13, 2008 Order. Defense counsel is also of the opinion that the Order included all of the records defense counsel addressed in its letter, namely, employment records, prior arrests and medical records all for five years prior to the date the action was brought.

Therefore, I ask that your Honor clarify the Order and indicate whether or not defendant is entitled to five years employment history, five years medical history regardless of the nature of the illness and whether or not the 2001 worker's compensation file should be made available to defense counsel. I would like to note that the plaintiff did treat for a flu like illness in the last five years, however, he does not recall the name or address of the medical provider. In addition, the client reports he was not arrested anytime during the five years proceeding the litigated arrest and incident.

Thank you for your consideration.

Respectfully Submitted:

LAW OFFICE OF DAVID A. ZELMAN

David A. Zelman, Esq.  
612 Eastern Parkway  
Brooklyn, New York 11225  
(718) 604-3072

*Via fax: 212 788 9776*  
SARAH EVANS, ESQ.  
Assistant Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, New York 10007